

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 12, 2021

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAVANDER YAHTIN,

Defendant.

1:21-CR-2003-SMJ-1

INDICTMENT

Vio.: 18 U.S.C. § 1951(a),
Robbery Affecting Commerce
(Count 1)

18 U.S.C. §§ 1153, 113(a)(3)
Assault with a Dangerous
Weapon
(Count 2)

18 U.S.C. § 924(c)(1)(A)(iii)
Discharging a Firearm During
and in Relation to a
Crime of Violence
(Count 3)

Forfeiture Allegations
18 U.S.C. § 981,
18 U.S.C. § 924,
28 U.S.C. § 2861

The Grand Jury charges:

COUNT 1

1. At all times material to this Indictment, Wolf Den, a business located at
61 W Wapato Road, Wapato, Washington, in the Eastern District of Washington, and

INDICTMENT - 1

1 its employees, were engaged in the sale of various types of merchandise, to include
2 tobacco made and produced outside of Washington and transported to Washington
3 from outside the State, as well as other items, all bought, sold, transferred, and offered
4 for sale in interstate and foreign commerce and in an industry which affects interstate
5 and foreign commerce.

6 2. The term "commerce" is defined in 18 U.S.C. § 1951 as commerce
7 within the District of Columbia, or any Territory or Possession of the United States;
8 all commerce between any point in a State, Territory, Possession, or the District of
9 Columbia and any point outside thereof; all commerce between points within the same
10 State through any place outside such State; and, all other commerce over which the
11 United States has jurisdiction.

12 3. The term "robbery" is defined in 18 U.S.C. § 1951 as the unlawful taking
13 or obtaining of personal property from the person or in the presence of another,
14 against his or her will, by means of actual or threatened force, or violence, or fear of
15 injury, immediate or future, to his or her person or property, or property in his or her
16 custody or possession, or the person or property of a relative or member of his or her
17 family or of anyone in his or her company at the time of the taking or obtaining.

18 4. On or about October 29, 2020, in Wapato, Washington, in the Eastern
19 District of Washington, the Defendant, LAVANDER YAHTIN, did unlawfully
20 obstruct, delay, and affect, commerce, as that term is defined in 18 U.S.C. § 1951, and
21 the movement of articles and commodities in such commerce, by robbery, as that term
22 is defined in 18 U.S.C. § 1951, in that the Defendant, LAVANDER YAHTIN, did
23 knowingly and willfully take and obtain personal property, to wit: U.S. Currency and
24 Tobacco, in the presence of an employee of Wolf Den, against the employee's will
25 when the employee had custody of the property, by means of actual and threatened
26 force, violence, and fear of injury, immediate and future, to the employee's person, to
27 wit: by the Defendant, LAVANDER YAHTIN, brandishing a firearm and directing
28 the employee to give the Defendant, LAVANDER YAHTIN, property of the business

1 to include U.S. Currency and Tobacco, and by the Defendant, LAVANDER
2 YAHTIN, taking such property, all in violation of 18 U.S.C. § 1951(a).

3 COUNT 2

4 On or about October 29, 2020, within the external boundaries of the Yakama
5 Nation Indian Reservation, in Indian Country, in the Eastern District of Washington,
6 the Defendant, LAVANDER YAHTIN, an Indian, assaulted S.B. with a dangerous
7 weapon, specifically a firearm, with intent to do bodily harm in violation of 18 U.S.C.
8 §§ 1153, 113(a)(3).

9 COUNT 3

10 On or about October 29, 2020, in the Eastern District of Washington, the
11 Defendant, LAVANDER YAHTIN, did knowingly discharge, carry and use a firearm,
12 to wit, a SCCY CX-2 9mm caliber pistol bearing serial number 359647, during and in
13 relation to a crime of violence for which he may be prosecuted in a court of the United
14 States, that is, Robbery Affecting Commerce, as alleged in Count 1 of this Indictment,
15 in violation of 18 U.S.C. § 924(c)(1)(A)(iii).

16 NOTICE OF CRIMINAL FORFEITURE ALLEGATIONS

17 The allegations contained in this Indictment are hereby realleged and
18 incorporated by reference for the purpose of alleging forfeitures.

19 Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), upon conviction
20 of a violation of 18 U.S.C. § 1951(a), as set forth in Count 1 of this Indictment, the
21 Defendant, LAVANDER YAHTIN, shall forfeit to the United States of America, any
22 property, real or personal, which constitutes or is derived from proceeds traceable to
23 the offense.

24 If any of the property described above, as a result of any act or omission of the
25 Defendant:

- 26 a. cannot be located upon the exercise of due diligence;
27 b. has been transferred or sold to, or deposited with, a third party;
28 c. has been placed beyond the jurisdiction of the court;

- 1 d. has been substantially diminished in value; or
2 e. has been commingled with other property which cannot be divided
3 without difficulty,

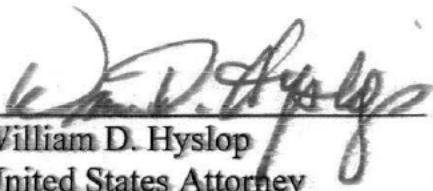
4 the United States of America shall be entitled to forfeiture of substitute property
5 pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).


6 Pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), upon conviction of
7 an offense in violation of 18 U.S.C. § 1951(a), as set forth in Count 1 of this
8 Indictment; and/ or upon conviction of an offense in violation of 18 U.S.C. §
9 924(c)(1)(A)(iii), as set forth in Count 3 of this Indictment, the Defendant,
10 LAVANDER YAHTIN, shall forfeit to the United States, any firearms and
11 ammunition involved in the commission of the offense, including, but not limited to:

- 12 - A SCCY CX-2 9mm caliber pistol bearing serial number 359647; and,
13 - Seven (7) rounds of 9mm ammunition.

14 DATED this 12 day of January, 2021.

15 A TRUE BILL

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21 William D. Hyslop
22 United States Attorney

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24 Matthew A. Stone
25 Assistant United States Attorney
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